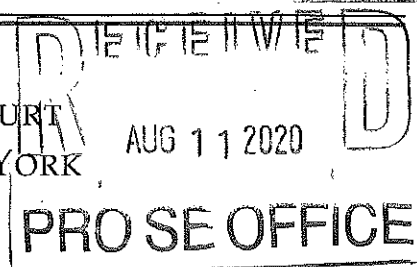


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



Melissa M. Newton

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

Whole Foods Market

550 Bowie St.

Austin, TX 78703

Do you want a jury trial?

☐ Yes ☐ No

20-CV-3993

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Melissa</u>	<u>M.</u>	<u>Newton</u>
First Name	Middle Initial	Last Name
<u>49 Flatbush Ave. #1026</u>		
Street Address		
<u>Kings, Brooklyn</u>	<u>NY</u>	<u>11217</u>
County, City	State	Zip Code
<u>212-470-3783</u>	<u>newtonmelissa a) aol . com</u>	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1:

Name

Address where defendant may be served

County, City

State

Zip Code

Defendant 2:

Name

Address where defendant may be served

County, City

State

Zip Code

Defendant 3:

Name

Address where defendant may be served

County, City

State

Zip Code

## II. PLACE OF EMPLOYMENT

The address at which I was employed or sought employment by the defendant(s) is:

Whole Foods Market  
Name  
260 Greenwich St.  
Address  
New York, NY NY 10007  
County, City State Zip Code

## III. CAUSE OF ACTION

### A. Federal Claims

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☐ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin

The defendant discriminated against me because of my (check only those that apply and explain):

☐ race:

☐ color:

☐ religion:

☐ sex:

☐ national origin:

(MN)

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: \_\_\_\_\_

- ☐ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: \_\_\_\_\_

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: \_\_\_\_\_

- ☒ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: Bipolar, Schizophrenia

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

#### B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☒ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status

- ☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status

- ☐ Other (may include other relevant federal, state, city, or county law):

\_\_\_\_\_

**IV. STATEMENT OF CLAIM****A. Adverse Employment Action**

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

☐ did not hire me

☒ terminated my employment

☒ did not promote me

☐ did not accommodate my disability

☐ provided me with terms and conditions of employment different from those of similar employees

☒ retaliated against me

☐ harassed me or created a hostile work environment

☐ other (specify):

interrupted my scheduled breaks,  
put people in my space and did not consider  
my effort and the need to support my  
schedule.

**B. Facts**

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

see attached (MN)

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

## Statement of Facts<sup>1</sup>

### **Background**

1. Plaintiff Melissa Newton is an African American woman with a disability of bipolar disorder and schizophrenia, and is a former employee of Whole Foods.
2. Her job responsibilities during her period of employment at Whole Foods included working as a cashier, operating the cash register, and bagging groceries for her customers.
3. Her disability of bipolar disorder and schizophrenia makes her feel anxiety when unexpected events occur, such as when her breaks do not occur on schedule. This anxiety creates symptoms including episodes of mania and depression.
4. She was qualified to perform the essential functions of her job as long as she was allowed the reasonable accommodation of being allowed to take her breaks as scheduled. Otherwise, she would become highly agitated.
5. This civil action challenges Whole Food's failure to accommodate her disability and her unlawful termination.

### **Ms. Newton's Work History**

6. Ms. Newton began working as a cashier at Whole Foods on Jan 23, 2019.
7. Ms. Newton was scheduled to work 8 hour shifts each day with her first break after her first 2.5 hours each day.
8. Her breaks are noted on the Kronos app, which allows all of her supervisors and team members to know when her breaks are supposed to be.
9. Ms. Newton was required to get supervisor approval before she was allowed to take a break.
10. Ms. Newton was also required to punch out for her breaks, to keep track of when she took her breaks each day.
11. The supervisors were aware and kept track of Ms. Newton's break time, so if she didn't get back from her breaks on time, or didn't punch out for her break, she could be reprimanded.

### **Ms. Newton gave notice to her employers about her disability and the importance of her being able to have breaks on time because of her disability**

12. On several occasions during her employment, Ms. Newton told her supervisors, including Chad, Latisha, Mitchel, Erica, Tony, and Kwii, that it was important to keep her breaks on time to keep her stable, and to limit her anxiety.
13. This informed her supervisors that she needed to have her breaks on time as a reasonable accommodation in order to allow her to perform the essential functions of her job given her disability.
14. Despite these requests, her supervisors regularly did not follow her break schedule, either by giving her the breaks early, or late, or not at all.

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<sup>1</sup> This document was prepared with the assistance of the New York Legal Assistance Group's Legal Clinic for Pro Se Litigants in the SDNY.

15. At several points during her employment, after Ms. Newton informed her supervisors of her need for breaks on time, Ms. Newton would ask for her break at her scheduled time, and they told her to wait.
16. At several points during her employment, after Ms. Newton informed her supervisors of her need for breaks on time, Ms. Newton was told she needed to take her break before her scheduled time.

**Ms. Newton was told she had an attitude for requesting her break at the scheduled time.**

17. On or about October or November 2019, Shakira did not allow Ms. Newton to take her break on her scheduled time.
18. Shakira is a coworker of Ms. Newton who on this day was assigned the role of Head Cashier.
19. This meant that on that day Shakira was responsible for maintaining the scheduled breaks for the cashiers, including Ms. Newton.
20. Ms. Newton had a discussion with Shakira where she expressed her frustration about not being allowed to go on breaks during her scheduled time.
21. Shakira responded by telling Ms. Newton she had an “attitude.”

**Ms. Newton was told to punch out early due to her disability**

22. On or about Dec 7, 2019, Ms. Newton was scheduled to work an eight-hour shift. The shift was from around 8am to 4:30pm, which includes a half hour unpaid to be split into multiple breaks.
23. On or about two or two and a half hours into her shift, Ms. Newton was working at the register, which was around the time Ms. Newton was scheduled to get a break.
24. At this time, Kwii, one of her supervisors, told her instead of going on her break, to see Mitchell, another supervisor.
25. Ms. Newton proceeded to close the register down, and went upstairs to the supervisors’ joint offices to speak with Mitchell.
26. Mitchell told Ms. Newton to start putting more groceries on shelves, instead of going on her break.
27. Ms. Newton headed to the shelves to begin, when on or about two minutes later Mitchell called Ms. Newton on the loudspeaker and told her to go back to the register instead.
28. The conflicting directions combined with the lack of a break confused Ms. Newton. It also made her agitated and made her experience mood swings and anger.
29. As Ms. Newton walked to the register, Chad, another supervisor, approached her, and told her instead to come upstairs to the team leaders shared office with him.
30. This increased Ms. Newton’s confusion, and her feelings of agitation and mood swings, particularly since she had not been allowed to take her break at the proper time.
31. Chad asks Ms. Newton what was going on.
32. Ms. Newton responded that she was wondering the same thing.
33. Chad then informed Ms. Newton that she needed some rest.
34. Chad said Ms. Newton needed rest because he thought she was not articulating things well, which was a reference to the fact that she was visibly agitated.



35. As a result, Chad told her to punch out early.
36. This was about five hours before Ms. Newton's shift was scheduled to end.
37. Chad also told her during this discussion that the less she says the better.
38. Ms. Newton was concerned that she did not have enough paid time off (PTO) to cover the time she would not be working that day.
39. However, she agreed to punch out anyway.
40. She was sent home because she was agitated, but her agitation was because the employer had failed to make a reasonable accommodation for her disability by allowing her to take breaks as scheduled.

#### **Ms. Newton is put on Administrative Leave**

41. The next day, on or about December 8, 2019, Ms. Newton was scheduled to work a shift from around 7am to 3:30pm.
42. At around 6:00am, an hour before her shift was meant to start, Ms. Newton told the call-out line she would be arriving an hour late (around 8:00am) because she was feeling sick.
43. Ms. Newton followed proper company procedure by informing them she would be late an hour before the shift was supposed to start.
44. The call-out line managers told Ms. Newton it was fine for her to arrive at around 8am.
45. This call was on a recorded line in accordance with the proper procedure.
46. Since Chad told Ms. Newton to punch out early the day before, Ms. Newton called the team leader Latisha Ameker, to check in about her job status.
47. Since Ms. Newton felt her job status was unclear, she didn't want to come in before she spoke with Latisha, as she didn't want to be written up for not following procedure.
48. When Ms. Newton got in touch with Latisha at around 11:50am, Latisha told her not to go into work because Latisha wanted to investigate what had happened the day before. This is in reference to Ms. Newton's agitation as a result of not having been given her breaks as scheduled as a reasonable accommodation for her disability.
49. Latisha told Ms. Newton she would be put on paid administrative leave, and so would get paid for the rest of the days of the week that she was already scheduled for.
50. This meant Ms. Newton should have been paid for December 9, 10, 12, and 14th.
51. During this conversation, Ms. Newton asked to be notified in advance about any potential further changes.
52. However, after being put on administrative leave, Ms. Newton was informed that her schedule had been switched, and she was no longer scheduled to work December 12. This meant she would not be paid for that day as promised.

#### **On December 12, Ms. Newton is Terminated**

53. On December 12, 2019, Chad called Ms. Newton at around 4:25 pm to let her know she had been terminated.
54. During this phone call, Chad stated that her failure to articulate a situation better was connected to the reason for her termination.
55. During this phone call, Chad did not clarify what the situation was, but it is apparent from the circumstances that the situation he was referring to was her agitation as a result of not



having been given her breaks as scheduled as a reasonable accommodation for her disability.

56. Ms. Newton then called Whole Foods' HR manager Brian Simpson and asked him for the letter of termination. Mr. Simpson asked her to remind him over email.
57. When Ms. Newton reminded Mr. Simpson about the termination letter over email, he sent it to her. The termination letter stated her cause of termination was her "recent actions in the store."
58. As shown by the above facts, Ms. Newton's termination was in violation of the ADA.

#### **Exhaustion of Administrative Remedies**

59. On December 13, 2019, Ms. Newton filed a charge with the U.S. Equal Employment Opportunity Commission.
60. Ms. Newton filed her complaint with the United States District Court for the Southern District of New York on May 21, 2020. She did not file sooner because she was in therapy dealing with her disability, was feeling ill from the stress of her termination, and was confused about the deadline.

#### **Ms. Newton's Work History After Termination**

61. Ms. Newton has done various training workshops since her termination from Whole Foods.
62. Ms. Newton has also sought work through a temporary employment agency.
63. Ms. Newton has also been receiving unemployment and disability insurance since she has been terminated from Whole Foods.

**V. ADMINISTRATIVE PROCEDURES**

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge?

Dec. 27, 2019

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice?

12/27/2019

When did you receive the Notice?

12/2019

☐ No

**VI. RELIEF**

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

I have suffered emotional distress and mood disorder in addition to what I had before. I am sure it is because I was in between wrong full termination and quitting as a result of a toxic work environment.  
Damages: 2,000,000.00.

**VII. PLAINTIFF'S CERTIFICATION**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

7-29-2020  
 Dated Melissa M. Plaintiff's Signature Melissa Newton  
49 Flatbush Ave. First Name Newton Middle Initial #1026 Last Name  
Kings, Brooklyn Street Address NY State 11217 Zip Code  
212-470-3783 County/City Telephone Number newtonmelissa@aol.com Email Address (if available)

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.



U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION  
New York District Office

33 Whitehall Street, 5<sup>th</sup> Floor  
New York, NY 10004-2112  
For General Information: (800) 669-4000  
TTY: (800)-669-6820  
District Office: (212) 336-3630  
General FAX: (212) 336-3625

Ms. Melissa M. Newton  
593 Vanderbilt Avenue  
Brooklyn, NY 11238

Re: Melissa Newton v. Wholefoods Market  
EEOC Charge No.: 520- 2020 - 01449

Dear Ms. Newton:

We have received your request for a Notice of Right(s) to Sue. Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge. Enclosed is the Notice of Right(s) to Sue.

On behalf of the Commission,

A handwritten signature in cursive script, reading "Kevin J. Berry", is written over a horizontal line.

Kevin J. Berry,  
District Director

December 27, 2019

Dated

Attn.: John H. Hempfling II, Esq.  
Wholefoods Market  
Global Litigation Counsel  
550 Bowie Street  
Austin, TX 78703

EEOC (INQUIRY) NUMBER: 520-2020-01449

### Inquiry Information

#### REASON(S) FOR CLAIM

Date of Incident (Approximate): 12/07/2019

Reason for Complaint: Sex (including pregnancy, sexual orientation and gender identity), Disability, Retaliation - I filed a charge of job discrimination about any of the above, Retaliation - I contacted a government agency to complain about job discrimination, Retaliation - I complained to my employer about job discrimination, Genetic information, my family medical history, or my participation in genetic services like counseling, education or testing

Pay Disparity: No

Location of Incident: New York

Submission (Initial Inquiry) Date: 12/13/2019

Claim previously filed as charge with EEOC? No

Approximate Date of Filing: N/A

Charge Number: N/A

Claim previously filed as complaint with another Agency? No

Agency Name: N/A

Approximate Date of Filing: N/A

Nature of Complaint: N/A

#### INQUIRY OFFICE

Receiving: New York District Office

Accountable: New York District Office

#### APPOINTMENT

Appointment Date and time:

Interview Type:

APPROXIMATE DEADLINE FOR FILING A CHARGE: 10/02/2020

#### POTENTIAL CHARGING PARTY

First Name, Middle Initial: Melissa, M

Last Name: Newton

Street or Mailing Address: 593 Vanderbilt Ave

Address Line 2: n/a

City, State, Zip: BROOKLYN, NY, 11238

Country: UNITED STATES OF AMERICA

Year of Birth:

Email Address: newtonmelissa@aol.com

Home Phone Number: (212) 470-3783

Cell Phone Number: (212) 470-3783

**RESPONDENT**

Organization Name: WHOLEFOODS MARKET

Type of Employer: Business or non-profit organization that I applied to, work for, or worked for

Number of Employees: An uncertain number of employees

Street or Mailing Address: 260 Greenwich st.

Address Line 2:

City, State, Zip Code: NYC,NY, 10007

County: Kings

Phone Number: (212) 470-3783

**RESPONDENT CONTACT**

First and Last Name: Bryan Simpson

Email Address: Bryan.simpsons@wholefoods.com

Phone Number:

Title: Human Resources Director or Owner

**LOCATION OF POTENTIAL CHARGING PARTY'S EMPLOYMENT**

Street or Mailing Address:

Address Line 2:

City, State, Zip Code:

County:

**POTENTIAL CHARGING PARTY'S DEMOGRAPHICS**

Gender: F

Disabled: I have a disability

Are you Hispanic or Latino? not hispanic or latino

Ethnicity: Black or African American,

National Origin: American(U.S.)

**Adverse Action(s)**

I was harrassed and told to come up stairs out of the ordinary then told to go back down stairs and do a task out of the ordinary (and then I was called over the loud speaker 3 times out of the ordinary. I was told to punch out on the time clock and go home out of the ordinary. I observed my co-worker in a frenzy as she ran me through all of this. The next day I was told I would be on Admin leave. At this point I cannot cover my missing hours. I was told I will be put on Admin leave for the days I am scheduled and that the company will make sure that any of my hours I had planned in good standing already (she) would apply for me in the total. I was confronted by 2 team leaders with no good reason for the confrontation. Also it was roughly about my break time which is always not in the manner it is set for on my schedule. Someone else takes their break instead of me when I'm scheduled.

**Supplemental Information**

**What Reason(s) were you given for the action taken against you?**

I'm not sure.

**Was anyone in a similar situation treated the same, better, or worse than you?**

There was a female named Shakira and you can only use the Kronos app as a means of proof of this and this situation on December 7th 2019. I believe it to be a retaliation attack on their behalves. I don't remember the date but I'm sure this is less than 60 days ago from Dec. 7th, but they have it documented anyway. It came to a dispute about my break time and they had it scheduled incorrectly and it became personal when she stated to me that I had an attitude when my break is not on her schedule in the correct time. I was being discriminated on as a cashier because I was not a supervisor or team leader also when it came to breaks my breaks were mostly either behind schedule or before schedule. Their registers are always going down and not in good function or even working at all. Since



September of 2019, there have been at least ten registers broken at one time any or all of these things are the same and can be investigated and identified right now. There is also too much hanging out by the side exit by Warren St. and about the freezer area. Register 4 on the local side is broken, register 6 on the local side is broken, registers 14 and 15 on the local side are broken, the telephone does not work and also the light for the customers to self scan their discount membership are not in tact or not working at all. Any employees that works their goes through the same thing. Also 10 and 11 on the local the light is not working and we have to alert customers that the register is open because they can't tell. Also no. 8 and no.7 are broken or the lights are not working and also the same with no.1 on the local broken and the light is not working. Any express register from 1to 5 is completely out of order with out a doubt completely. This is the order I noted this. There is also proof of poor timekeeping. They have to keep record of punching in and punching out and missed punches and this means if you make no effort at all to keep up yourself then you are the entire victim their making.

**Please provide name(s) and email and/or phone number of anyone who will support your claim, and briefly describe the information this person will provide.**

You make contact them the staff entirely and they will give supporting evidence. All reports of their note taking, their emails, the phone calls they have everything documented. Bryan Simson the HR manager will be able to remember that I said I am taking it to court and I'm sure he knows he is on a recorded line.

**Please tell us any other information about your experience?**

My training material that I covered is assigned as overdue also it was not turned in by the staff. I already completed it. There toxic work environment.. They have personal lives together with each other outside of their workdays and they are not more excited to be at work and conduct them selves professionally.

\*Date of Incident: 12/7/2019

Time of Incident: 12:00 PM (Proof of the exact and official time will be available if requested. The time provided is believed to be as close to the actual time if not the actual time.

\*Manner in which claim arose:

Extra sheet(s) are attached.

Claim arose from discrimination. I found that I was being harassed as a retaliatory attack when I was told by a supervisory at my register that I was asked to close my line and come upstairs where another supervisor needed to see me and this was also as it was approaching my break. I arrive upstairs and I was told to go back downstairs and do another task separate from the job I was just doing at the register. No comments or acknowledgements were made about my break time as usual. As I started to go about my given duty I was called over the loud speaker 3 times by the same supervisor that just sent me back down stairs to put away grocery items back to the shelves. I was told to go back to my register by her and then the supposed head supervisor or team leader over this supervisor told me to go upstairs and punch out on the time clock and go home out of the ordinary. There I became angry and decided this was enough harassment. It wasn't clear how or why he singled me out and decided that I needed to have my shift cut, he and another female I observed they shared an office together usually on every shift. I made it clear that I would balance a very good termination and quit just as well as they could manage to hinder any apparent security. I had just observed my co-worker who was one of the head supervisors on the shift in a frenzy as she was the actual one running me through all of this. I asked her several times during the whole thing if she was okay and if something was wrong with her and she kept up changing her mind about the next thing I should do as she didn't consider that it was time for my break. At this time it was definitely approaching my break time. I wouldn't have cut out of my shift because I didn't have any more hours to cover me, so that I would not be penalized for punching out. The next day I took it on myself to call out running late and sick until I discussed with the manager on a telephone call that I cannot cover any more missing time without there being a penalty. I was told that I don't have to worry I would now be put on Admin. Leave for the days I am scheduled to work from then on and the company will make sure that any of my hours I had planned on my schedule to keep me in good standing with the company she would apply the hours for me through administrative leave and cover any outstanding balance. I felt it was my responsibility to still call the call out line and have them know I would now be calling out for this day totally. The day before I was confronted by 2 team leaders with no good reason for the confrontation. Also it was roughly about my break time when I was given more assignments at random from a supervisor on the shift. My break time was becoming effective in not being ready for me as it was set on my schedule. Someone else usually gets to take their break on my schedule instead of me. ex. Somebody pregnant or a seemingly dominant male figure, even gay or non gay.

#### Supplemental Information

If I were to say the reason for the action being taken against me I believe it was to introduce me to Admin Leave and also I did not utilize the areas they have for stepping up more to being supervisor and team leader. I only did a good job and kept up with effective time management and skill. It was clear that we were gambling with I quit I'm fired and either one would become a decision for both parties. I was becoming an outcast they were sure they could depend on.

#### Additional observation on Discrimination, Retaliatory attacks and Emotional Distress Categories.

There was a female named Shakira and you can only use the Kronos app. (an app we have to download to maintain our official schedules. Everyone at the company definitely has it and definitely can refer to it for any schedules) as a means of proof of this situation on Dec. 7, 2019. I believe this situation is a retaliatory directly connected with an incident that occurred with me and Shakira less than 60 days ago from Dec. 7th, 2019. I don't remember the actual date but they have it documented anyway. It came to a dispute about my break time and they had it scheduled incorrectly and Shakira was the Head Cashier on this day and she was in charge of breaking the cashiers in a timely fashion and maintaining scheduled

break times also for herself as well as others. It became personal when she stated to me that I had an attitude while my break is not on her schedule for the correct time. I was being discriminated on as a cashier also because I was not a supervisor or team leader also when it came to breaks my breaks were mostly either behind schedule or off schedule or even before schedule and so this maybe why I would always keep a more effective time management record and even assist in breaking when I was told to do so even when I was not the head cashier in charge. Things I observed and openly spoke with and about to team members, team leaders and even customers were that registers always going down in the middle of transactions and long lines. By September of 2019 there had already been at least ten registers broken at one time. Any or all these things were still the same at the time of my complaint to the EEOC and could have been identified right then. There was also too much hanging out by the stores side exit by Warren Street and about the freezer area. We spoke about register 4 on the local side being broken, register 6, registers 14 and 15 on the local side are broken the telephone does not work in order to contact a customer service member in case of customer emergencies and also the self service light on these registers were not working or even in tact at all. Any employee that works their goes through the same thing. Also registers 10 and 11 on the local the light is not working and we have to alert customers ourselves that our lines are open because they can't tell with no light or they have to ask. Also register 8 and 7 are broken and the lights are not working and also the same with register number 1 on the local side was broken and the light was not working. Any express register from 1 to 5 is completely out of order everyday all day without a doubt completely. This is the order I noted this as I was becoming aware and disturbed by this. They're main goals would be to keep effective record of punching in and punching out and missed punches and this means if you make no effort at all to keep up yourself then you are the entire victim their making. There is also proof of poor time keeping on their behalves.



**Complete if claim involves a NYC vehicle**

**Owner of vehicle claimant was traveling in**

Last Name: \_\_\_\_\_  
 First Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Address 2: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_

**Non-City vehicle driver**

Last Name: \_\_\_\_\_  
 First Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Address 2: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_

**Insurance Information**

Insurance Company Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Address 2: \_\_\_\_\_  
 City: \_\_\_\_\_  
 State: \_\_\_\_\_  
 Zip Code: \_\_\_\_\_  
 Policy #: \_\_\_\_\_  
 Phone #: \_\_\_\_\_

**Non-City vehicle information**

Make, Model, Year of Vehicle: \_\_\_\_\_  
 Plate #: \_\_\_\_\_  
 VIN #: \_\_\_\_\_

**City vehicle information**

Plate #: \_\_\_\_\_  
 City Driver Last Name: \_\_\_\_\_  
 City Driver First Name: \_\_\_\_\_

**Description of claimant:**

- ☐ Driver ☐ Passenger  
☐ Pedestrian ☐ Bicyclist  
☐ Motorcyclist ☐ Other

**\*Total Amount Claimed:**

2,000,000.00

Format: Do not include "\$" or ".".

Date

Feb. 27, 2020

Signature of Claimant

Melissa Newton

State of New York  
 County of New York

MELISSA M. NEWTON

I, Melissa Newton

being duly sworn depose and say that I have read the foregoing NOTICE OF CLAIM and know the contents thereof; that same is true to the best of my own knowledge, except as to the matter here stated to be alleged upon information and belief, and as to those matters, I believe them to be true.

Sworn before me this day 27 of February 2020

Signature of Claimant

Melissa Newton

ANDREA JACKSON  
 Notary Public, State of New York  
 Reg. No. 04JA6398025

Andrea Jackson

\* Denotes required field(s).

Qualified in New York County  
 Commission Expires September 16, 2023

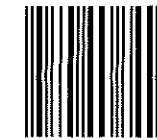


FROM:

Melissa M. Newton  
49 Flatbush Ave #1026  
Brooklyn NY 11217



1000

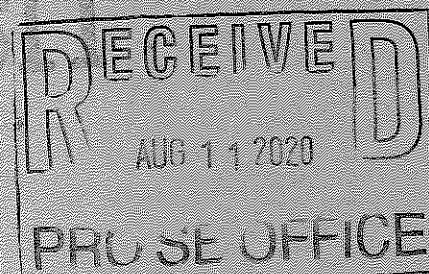


10007

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New York, NY 10007



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